

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

PEDRO TAVIRA ESPINOZA, #22292-078, §

Plaintiff, §

v. §

UNITED STATES OF AMERICA, §

Defendant. §

CIVIL ACTION NO. 4:16cv168
CRIMINAL ACTION NO. 4:12cr125(23)

ORDER OF DISMISSAL


Movant Pedro Tavira Espinoza, proceeding *pro se*, brought this motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 (Docket No. 1). The Court referred this matter to the Honorable Kimberly C. Priest Johnson, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636(b)(1) and (3). The Magistrate Judge submitted a Report and Recommendation (“Report,” Docket No. 9), and no objections have been filed.

The Court has received and considered the Report, along with the record, pleadings and all available evidence. The Court agrees with the Magistrate Judge and **ADOPTS** the Report as the opinion of the Court. It is therefore

ORDERED that the above styled motion to vacate, set aside, or correct sentence is **DENIED**, and the case is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED**. It is further

ORDERED all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 10th day of October, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE